

Proposition 207

OPTIONS FOR REGULATING MARIJUANA ESTABLISHMENTS

County-Wide: **53.87% YES;** **43.75% NO**



https://www.cochise.az.gov/sites/default/files/elections/2020GeneralElection_SummaryResults.pdf

Overview of Prop. 207

- Allows adults (21+) to possess and use specified amounts of marijuana.
- Prohibits smoking and/or consumption in certain places.
- Permits growth of a limited number of marijuana plants at a person's residence (must be in an enclosed, locked area that is not visible from public view).
- Permits expungement of certain prior marijuana related convictions and records.

Overview – *CONTINUED*

- Establishes the AZ Dept. of Health Services (“DHS”) as the regulatory authority that issues licenses to “marijuana establishments” for the sale of recreational marijuana.
- Caps the number of marijuana establishment licenses DHS may issue.
- Creates early application period (1/19/21 – 3/9/21) for currently registered medical marijuana dispensaries to apply for dual recreational licenses and Counties with currently less than two.
 - Only one in Cochise County (located in the City of Bisbee)

Taxation

Transaction Privilege Taxes (Sales Tax):

- Cochise County's current rate is **.05%**

Special State Excise tax of 16% on the Sale of Recreational Marijuana:

- This tax plus licensing fees projected to generate **\$166 million** in annual revenue.
- This revenue will be used to pay administrative costs, with remainder to be distributed to:
 - *Community colleges*
 - *Local law enforcement & fire departments*
 - *State and local transportation programs*
 - *Public health and criminal justice programs*
 - *Attorney General for enforcement*

Options for Regulating Recreational Marijuana Establishments

Cities, towns and counties throughout the State are considering regulations.

A County may restrict marijuana establishments and marijuana testing facilities “only in unincorporated areas of the county.” A.R.S. § 36-2857(B)

Issues for the Board to Consider:

Does the County want to prohibit marijuana establishments and/or testing facilities in unincorporated areas of the County?

- If not, where does the County want them?
- If not, how does the County want to regulate their operations?

Note: The law prohibits localities from enacting adult marijuana regs that are more restrictive than those for medical marijuana.

1. Does the County want to prohibit marijuana establishments and/or testing facilities in unincorporated areas of the County?

The Law:

The County may “[p]rohibit marijuana establishments or marijuana testing facilities, or both.” A.R.S. § 36-2857(A)(3)

Options:

1. Prohibit ALL marijuana establishments and testing facilities
2. Prohibit all marijuana establishments OR prohibit all testing facilities
3. Prohibit marijuana establishments with the exception of dual licensees who operate a medical dispensary and an establishment at a shared location

2. Where does the County want them?

The Law:





The County may “[e]nact reasonable zoning regulations that limit the use of land for marijuana establishments and marijuana testing facilities to specified areas.” A.R.S. § 36-2857(A)(1)

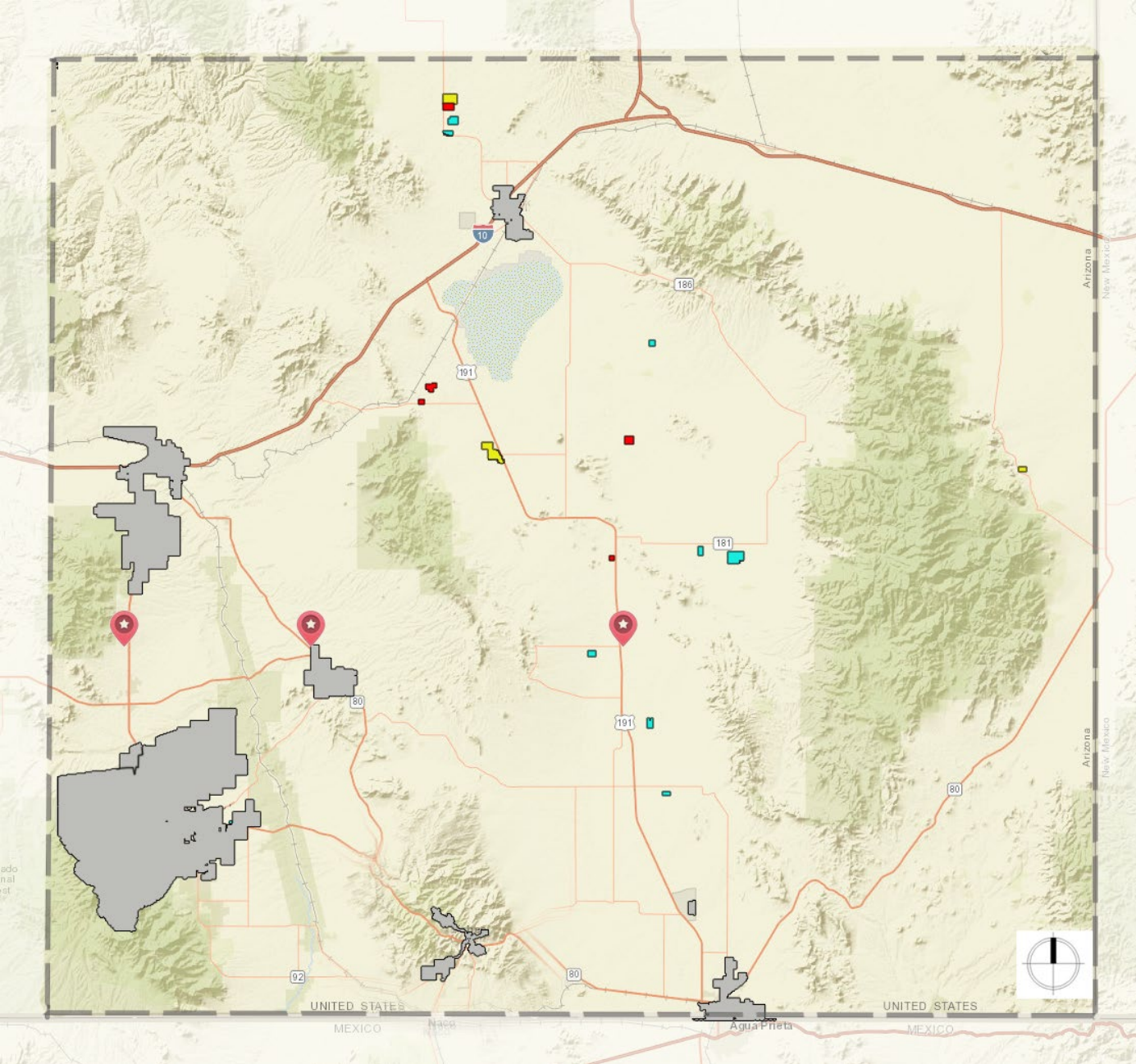
Options:

1. Specify the zoning districts where they will be allowed
2. Specify distance and spacing requirements

Special Use Permit authorizations for Medical Marijuana in Cochise County

| | | |
|-----------------------------------------------------|-----|---------------|
| Medical Marijuana Dispensaries | (0) | (1 in Bisbee) |
| Medical Marijuana Cultivation Facilities | (9) | (2 pending) |
| Medical Marijuana Dispensary Cultivation Facilities | (0) | (1 pending) |
| Medical Marijuana Infusion Facilities | (0) | |

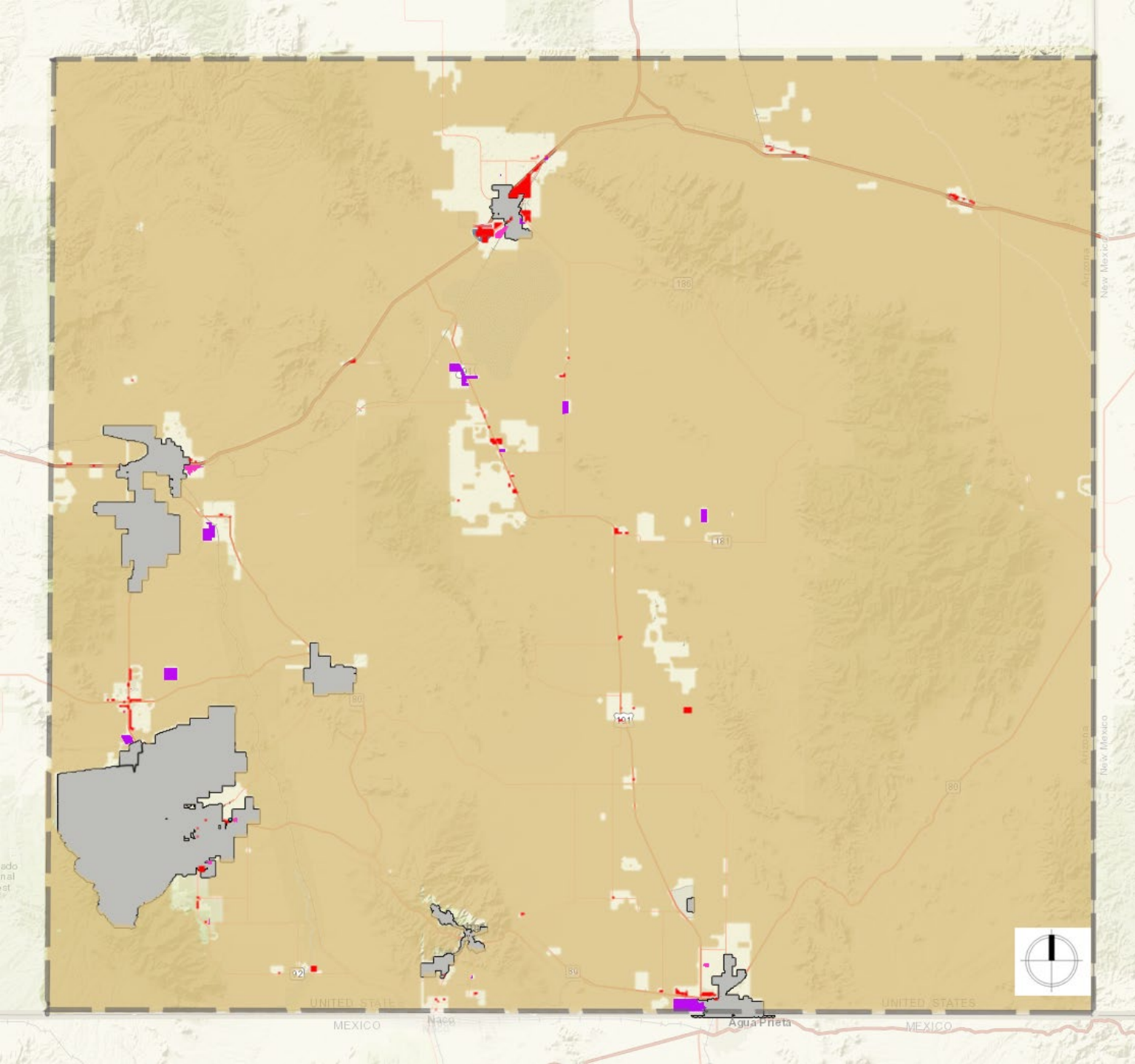
-  Checkpoint
-  Seeking Approval
-  Approved, NO permits issued
-  Approved, permits issued



Currently in the Zoning Regulations:

Medical Marijuana is allowed by Special Use Authorization from the Planning & Zoning Commission in:

- Rural (RU-4, RU-10, RU-18, RU-36)
- General Business (GB)
- Light Industry (LI)
- Heavy Industry (HI) (Medical Marijuana Cultivation Facilities only)



Currently in the Zoning Regulations Cont.':

1825.01 Setbacks:

Minimum setbacks shall be no closer than 500 feet, as measured from the property boundary from:

- A. Any other medical marijuana dispensary or infusion facility.
- B. Any library.
- C. Schools (private or public).
- D. Day care centers (private or public).

Minimum setbacks shall be no closer than 300 feet from:

- A. Any existing **residential use located in a residential zoning district or an approved subdivision.** wall of the nearest principal residential structure(s).

3. How does the County want to regulate their operations?

The Law:

The County may “[r]egulate the time, place and manner of marijuana establishment and marijuana testing facility operations.” A.R.S. § 36-2857(A)(4). *Also, all operations must be in an enclosed area, locked facility. “An enclosed, locked facility” means outdoor space surrounded by solid, 10-foot walls, constructed of metal, concrete, or stone that prevent any viewing of the marijuana plants, and a 1-inch thick metal gate.*

Current Zoning Regulations 1825.02 Restrictions:

Medical Marijuana Dispensaries, Medical Marijuana Dispensary Cultivation Facilities and Medical Marijuana Infusion Facilities

- A. Shall be located in a permanent building and may not be located in a trailer, cargo container, or motor vehicle.
- B. No drive-through services.
- C. No outdoor seating areas.

Recommended Changes to the Zoning Regulations

1. Delete the word “Medical” from “Medical Marijuana”
2. Replace the word “Dispensary” with “Establishment.”
3. Add Definition “Marijuana Testing Facility: The Arizona Department of Health Services or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants.”
4. Allow cultivation and testing facilities, with no outdoor grow, by right in HI (Heavy Industrial)
5. Remove the “No Drive Through” restriction
6. Increase restrictions and/or modify site development standards to incorporate additional best practices regarding odor mitigation and visual impacts for outdoor grow operation.



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